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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/682,217  | 10/08/2003  | Ly D. Nguyen         | H0005469            | 8098             |
| 7590  | 08/23/2005  |                      | EXAMINER            |                  |
| Honeywell International Inc.<br>Law Dept. AB2<br>P.O. Box 2245<br>Morristown, NJ 07962-9806 |             |                      | KIM, TAE JUN        |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3746                |                  |

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/682,217             | NGUYEN ET AL.       |  |
|                              | Examiner<br>Ted Kim    | Art Unit<br>3746    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 7/5/05.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3 and 5-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1,3,5-11 and 14-16 is/are allowed.  
 6) Claim(s) 12 and 13 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### *Specification*

1. The disclosure is objected to because of the following informalities: the first few lines of the first paragraph of the specification is inconsistent with the rest of the application as there is no further disclosure of turbochargers. Applicant's amendment filed 7/5/05 fails to completely address this issue.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 4-303135. JP '135 teaches a gas turbine engine comprising: a turbine scroll 2 inside a combustor housing 4-303135; the turbine scroll comprising at least four pairs of sealing surfaces; a B-width, measured between a forward discourager 73 and an aft discourager 75<sub>1</sub>; wherein said B-width is kept constant by action of said four pairs of sealing surfaces [note that the B-width will be constant for at least some point during operation – as applicant does not specify when it is kept constant]; a forward bayonet 61 adjacent the forward side of the turbine scroll; the forward bayonet contacting a radial nozzle 22 at a bayonet engagement point; a retaining ring 75<sub>3</sub> adjacent an aft scroll ring (end of 75<sub>1</sub> or

see 103 in Fig. 21); the retaining ring 75<sub>3</sub> securing the turbine scroll while maintaining an axial loading point on the aft scroll ring (end of 75<sub>1</sub> or see 103 in Fig. 21; and a forward scroll ring; the retaining ring restraining displacement of the forward scroll ring and the aft scroll ring; the turbine scroll is generally coil-shaped (see Figs. 1, 2); wherein the aft discourager comprises a bending angle within the range of from about 60 degrees to about 120 degrees, i.e. appears to be about 90 degrees; further comprising a radial seal at the forward side of the radial nozzle and a radial seal at the aft side of the radial nozzle for sealing the radial nozzle against leaking of exhaust gas.

***Response to Arguments***

4. Applicant's arguments filed 07/05/2005 have been fully considered but they are not persuasive. The JP '135 device will inherently keep the B-width constant during some point of operation. As applicant does not explicitly set forth when this effect is to take place.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ted Kim whose telephone number is 571-272-4829. The Examiner can be reached on regular business hours before 5:00 pm, Monday to Thursday and every other Friday.

The fax numbers for the organization where this application is assigned are

571-273-8300 for Regular faxes and 571-273-8300 for After Final faxes.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe, can be reached at 571-272-4444.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist of Technology Center 3700, whose telephone number is 703-308-0861. General inquiries can also be directed to the Patents Assistance Center whose telephone number is 800-786-9199. Furthermore, a variety of online resources are available at <http://www.uspto.gov/main/patents.htm>



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|                                     |                   |              |
|-------------------------------------|-------------------|--------------|
| Ted Kim                             | Telephone         | 571-272-4829 |
| Primary Examiner                    | Fax (Regular)     | 571-273-8300 |
| August 11, 2005                     | Fax (After Final) | 571-273-8300 |
| Technology Center 3700 Receptionist | Telephone         | 703-308-0861 |
| Patents Assistance Center           | Telephone         | 800-786-9199 |